

INFORMATION ON U.S. SENTENCING GUIDELINES
(December 13, 2007)

Effective November 1, 2007, U.S. Sentencing Guideline § 2D1.1 was amended. The effect of this amendment was to lower Base Offense Levels for crack cocaine offenses by 2 Points. This amendment does not affect statutory mandatory minimum sentences, and does not affect persons sentenced for drug offenses other than crack cocaine.

On December 11, 2007, the U.S. Sentencing Commission voted to make this amendment retroactive (meaning, apply it to people sentenced before November 1, 2007). The effective date of this decision is March 3, 2008.

If you were sentenced under Guideline § 2D1.1 for a crack offense you may be eligible for a reduction in sentence, but not everybody in that category will qualify (for example, if your offense was subject to a mandatory minimum sentence and your sentence did not exceed the mandatory minimum you may be ineligible). Bureau of Prisons staff cannot determine your eligibility for a sentence reduction; it is important for you to discuss the particulars of your case with your attorney. The only way to receive a reduction in sentence is through a petition to your sentencing court. It is up to the sentencing court whether to grant any reduction.

Unrelated to these recent actions of the Sentencing Commission, on December 10, 2007, the United States Supreme Court issued decisions in the cases of Kimbrough v. U.S. and Gall v. U.S., both of which address the extent of judicial discretion in sentencing. Both decisions are available in the inmate law library for viewing and copying.

You are encouraged to contact your attorney to seek answers to any questions you have may regarding either the Sentencing Commission actions or the Supreme Court decisions.